



*Reflections Owners Association*

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## **ARCHITECTURAL AND LANDSCAPING**



## **GUIDELINES FOR REFLECTIONS HOMEOWNERS**

**2006 Edition**

**Note: Revisions to these Guidelines are in process. The 2014 Edition will be published in the near future.**

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## ARCHITECTURAL GUIDELINE FOR REFLECTIONS

### INTRODUCTION

The following few pages present an overview of the nature and purpose of the Architectural Committee and the Design Review process. As a homeowner or renter you should read this Introduction carefully in order to understand what the Committee does for you and what your obligations are as a member of the Reflections community. Unless you are planning a modification of your property, or are asked by the Committee to comment on a proposed modification of a neighbor's property, you may never feel inclined to read beyond the Introduction. The Committee welcomes your comments on anything you see in the neighborhoods which you feel violates the letter or spirit of the Guidelines. If you are planning to sell your home, we strongly urge that you acquaint the prospective buyer with the existence of this material in order to avoid possible misunderstanding as to what may or may not be done. These architectural and landscaping guidelines apply **ONLY** to members of the Reflections Owners' Association.

#### **I. What is the Architectural Committee?** (See [Appendix A](#) for Committee Organization.)

The Architectural Committee is provided for explicitly in the Declaration of Covenants, Conditions and Restrictions (hereafter "Covenants") to which all homeowners become legally bound to honor when they accept a deed of ownership. (See [Appendix B](#) for the Covenants applicable to the Architectural Committee.) In general terms, the Committee's purpose is to protect the design philosophy of Reflections as well as to protect your enjoyment of your home and the value of your investment. (A more detailed description of the Committee's duties is given in Article V, Sec. 5.2 of the Covenants.) The Committee, as indeed do all committees and the Board of Directors, almost always consists of people who are your neighbors who serve voluntarily and without compensation. None of them is required to be an architect.

#### **II. How does the Architectural Committee function?**

The Covenants give the Committee extremely broad powers. These powers are enumerated in Article I, Sec. 1.9 and in Article V. Perhaps the most pertinent of these is in Article V, Sec. 5.4 as follows:

"The Architectural Committee may, from time to time, and in its sole and absolute discretion, adopt, amend and repeal, by majority vote or written consent of its members, rules and regulations to be known as 'Architectural Committee Rules.' Said Rules shall interpret and implement the Declaration by setting forth the standards and procedures for Architectural Committee review and the guidelines for architectural design, placement schemes, finishes and materials and similar features which are recommended for use within the properties."

In practical terms, the rules require that before any exterior changes or additions are made either to a home or its surrounding environment, requests for such changes must be submitted in writing to the Committee. The Committee then decides whether to approve, disapprove, or possibly suggest modifications. This is the Design Review process which is described in detail

in the Guidelines following this Introduction. The Guidelines also answer more fully the question, “What must reviewed?” as well as give a listing of many acceptable and unacceptable modifications.

### **III. Doesn't all this bureaucracy stifle my individuality and freedom of expression?**

A small amount of bureaucracy is the price we occasionally pay for having rules which protect our individual and mutual interests. Design review standards are not intended to stifle the imaginative or creative desires of the homeowners but rather to assure them that protective restrictions are in effect which help maintain the value of their property as well as the common properties.

### **IV. Surely I don't have to fill out a form every time I plant a flower?**

Article V, Sec. 5.2 of the Covenants states that no improvement shall be commenced without approval in writing from the Architectural Committee. Improvements as defined in Article I, Sec. 1.9 include “. . . hedges, plantings, planted trees and shrubs, and all other structures or landscaping improvements of every kind, nature and description.” To facilitate and encourage beautification of Reflections, the Committee has given blanket permission in the Guidelines for any homeowner to plant within his/her own lot boundary (but not on the common ground) non-permanent, low growing (not more than two feet high) ornamental plants and flowers. (See [Appendix C](#) for listing of preapproved plant materials.) Depending on your neighborhood, your lot boundary may be only a few feet from your house or it may extend out some considerable distance. Thus, you will want to be sure that what you may think of as “your yard” is not partly or mostly common ground. Prior written permission should be requested for landscaping projects that do not fall within the above limits.

### **V. Doesn't the Architectural Committee have too much power?**

Not really. The first thing to realize is that the Covenants state in Article V, Sec. 5.1b that:

“Members of the Architectural Committee shall be appointed by and serve at the pleasure of the Board.”

The Board, in turn, is directly accountable to the homeowners, who may remove Board members by a majority vote. Thus, there is a delicate balance which gives the Committee sufficient autonomy to perform its duties free of undue pressures, but which also provides homeowners with a means of resolving any grievances they may have against the Committee's decision. A member of the Board is designated as Committee Liaison and, as such, attends Committee meetings in a non-voting capacity. This provides communication between the Committee and the Board.

### **VI. How do I actually go about submitting a written request, and how long do I have to wait for an answer?**

There are forms for both landscaping and external architectural changes. These forms are available in the manager's office and on the reflections website: [reflectionslife1.net](http://reflectionslife1.net), on the GOVERNANCE Page. In general, signatures of your nearest neighbors must appear on your request indicating whether they have objections. The Committee may go even further and

solicit opinions from your neighbors. The importance of this step may be understood by imagining yourself in a neighbor's position. It is a major concern of the Committee to ensure that a homeowner's "improvement" does not harm the legitimate interest of a neighbor.

In the event that you are unable to contact a neighbor after having made every reasonable effort, you may indicate that fact on the form noting what efforts you have made. The Committee will consider the nature of the proposed change along with any argument for urgency which may be given. It may try to contact the neighbor by certified mail before reaching a decision.

If you want action at a given meeting, you should get your request into the Committee chairperson at least one week before the scheduled meeting. (See manager for the Committee's meeting schedule.) This will make it possible for Committee members to make an on-site inspection if that is deemed necessary. Even then you may not get action as quickly as you might like, especially in cases where the proposed change is not easily and inexpensively reversible. The Committee will always choose to proceed with whatever deliberation is required to protect the interests of all involved. However, if you do not get a reply from the Committee within sixty days of the submission of your request, you may consider your request to have been granted. Requests of a relatively routine nature, i.e., springtime planting, etc, are generally handled rapidly. Similarly, there are certain architectural changes for which pre-approved plans exist, and the time required for Committee consideration is reduced to a minimum. However, all changes requiring approval must be requested in writing on the appropriate form. There are major structural changes for which the homeowner must submit a blueprint prepared by a registered architect. However, the homeowner may request "approval in principle" before going to the expense of obtaining these. Here, too, the homeowner should check with the Committee to see if pre-approved plans exist.

One final point of great importance. Article V, Sec. 5.5 of the Covenants states:

"The approval by the Architectural Committee of any plans, drawings or specifications for any work done or proposed, or for any other matter requiring the approval of the Architectural Committee under this Declaration shall not be deemed to constitute a waiver of any right to withhold approval of any similar plan, drawing, specification or matter subsequently submitted for approval."

There are many compelling reasons for this provision. One is that the context (i.e., impact on neighbors, general visual or acoustic effect) in which a given proposal is considered is almost always different. Another is that a guideline may have been changed since a proposal was last approved; we should not be locked in to a guideline forever if there are reasons for changing it. Also, despite all safeguards an error in judgment may be made. Such judgment should not become an ironclad precedent, and a homeowner cannot cite an earlier violation as the basis for committing a similar, or entirely unrelated violation. Such behavior would be destructive of the cooperative spirit so essential to maintaining the community and it is quite properly forbidden by the Covenants.

## **VII. What if the decision on my request is denied?**

The Committee will make every effort to handle all requests fairly, consistently and timely.

Relevant professional experts (architects, drainage engineers, etc.) may be consulted. If a homeowner is dissatisfied with a decision, an appearance at a regular Committee meeting may resolve the matter. Should that step fail to give satisfaction, he/she may appeal to the Board of Directors. If the Board reverses the Committee decision, the Committee may accept the reversal and approve the homeowner's request.

The Committee may then request that in the minutes of the next Board meeting that the Board's decision was made against the recommendation of the Committee. However, if the Committee feels very strongly about its original decision and the feeling is unanimous, it may reject the Board's reversal and continue to withhold approval. The Board may then decide to grant approval directly to the homeowner and possibly dismiss the Committee. In no event, however, may a homeowner proceed to implement a request without having legitimate written approval.

Once all appeals have been exhausted, a request which has failed to be approved will not be reconsidered either by the Committee or by the Board unless the homeowner provides significant new evidence, in which case the request will be considered afresh.

### **VIII. How do I call attention to something which I think is unsightly?**

The Covenants are intended to guarantee to Reflections homeowners the right to live in an aesthetically pleasing environment. If you feel that this right is being violated in your case or in the general surroundings of which you reside, please put your concern in writing to the Committee. Your confidentiality will be respected.

### **IX. There has been a lot of mention of the Covenants in the above material. Am I really legally bound by these Covenants?**

Every person who buys a home in Reflections is bound by the Declaration of Covenants, Conditions and Restrictions. A covenant is basically a contractual agreement to take, or refrain from taking certain actions related to design review or architectural control. The Covenants "run with the land", i.e., the benefits and burdens of the covenants are automatically passed on to each subsequent owner by operation of law.

After reading Articles V and X of the Declaration, you will probably agree that the potential benefits, both aesthetic and financial, of such covenants far outweigh the burdens.

It also should be noted here that the Committee is concerned with implementing those portions of Article X, particularly Section 10.2, which protect your enjoyment of your home, as well as its value, against various "nuisances."

### **X. How can I contribute to the overall design plan of Reflections?**

If all homeowners adhere to two principles, our community will become even more beautiful than it is now. First, each of us should ensure that every structural or landscaping change will enhance, not detract from, our informal, natural community design. Second, each should take into consideration the whole community, especially adjacent neighbors, when contemplating any changes. In these ways you can help the Committee ensure a pleasant environment for you and your family and preserve the value of your property.

## ***PREFACE***

### **PURPOSE OF THE GUIDELINES**

These Guidelines have been written to aid individual homeowners or groups of homeowners who wish to propose a structural or landscaping change to their individual units or to any of the common areas of Reflections. The Guidelines are a guide and do not constitute a complete list of changes. They merely seek to focus on major areas. There may be certain alterations desired by owners which are not mentioned in these guidelines but which nonetheless require prior written approval by the Architectural Committee and/or the Board of Directors. Blanket permission has been given for a few changes, but in most instances alterations must be reviewed on a case-by-case basis.

The Declaration of Covenants states clearly that structural or landscaping alterations and improvements must have prior written approval of the Committee. The Committee requests that all homeowners cooperate in keeping Reflections an attractive and pleasant place in which to live by complying with the letter and spirit of the policies, procedures and guidelines contained in this manual.

If you are planning to sell your house, we cannot urge too strongly that you acquaint the prospective buyer with the fact that all homeowners are subject to the rules in these Guidelines. This will prevent any possible misunderstanding on the buyer's part as to what may or may not be done. It is also important to note that any property modification made in the past does not constitute a binding precedent; a modification made to someone else's house does not guarantee that a prospective buyer can anticipate making the same modification.

### **COMPLIANCE WITH THE GUIDELINES**

The current guidelines, adopted by the Architectural Committee, were approved by the ROA Board of Directors on March 16, 2006. They will be used henceforth by the Committee and the Board of Directors to make judgments concerning alterations to the structures and landscaping of Reflections. Changes or modifications to this document will be made in accordance with the procedures described in the ***INTRODUCTION***.

Owners and residents will be expected to comply with the rules and procedures in this manual as soon as distribution has been completed. Methods of handling violations are described in Section VII below. The only exemptions from compliance are structural changes approved by the developer at the time of purchase of a new home.

**NOTE: NO PROVISION OF THESE GUIDELINES WILL BE IMPLEMENTED  
RETROACTIVELY TO THE DETRIMENT OF A HOMEOWNER WHO IS  
CURRENTLY IN COMPLIANCE WITH THE OLD GUIDELINES.**

## **I. DESIGN PHILOSOPHY OF REFLECTIONS**

### **1.1 Land Plan**

Reflections was conceived as a project which would enhance the natural order of gracious living. The vegetation, terrain and lakes were recognized as assets; their artful preservation is fundamental to the Reflections design concept.

The placement of utilities underground eliminates the visual clutter common in most communities. Roads have been carefully placed to take advantage of the existing topography.

The inclusion of a variety of types of homes accommodates a generous range of lifestyles. The structures are sited to allow large areas of common property to be left in their natural state or developed for recreation. Each unit is oriented for maximum privacy, affording views of the lakes or woods and vistas through open areas. The provision of an enclosed service yard of most houses hides such unsightly things as trash containers and heat pumps. This, too, adds to the pleasant aspect of the community.

### **1.2 Structures**

The natural quality of the site development concept is reflected in the building designs as well. Each structure, through careful location and the use of relaxed forms, achieves a quiet informality with its surroundings. A strong indoor/outdoor relationship is one of the keys to the overall design concept of Reflections. The homes are situated within their cluster to maximize this relationship and the privacy between units. Homes at Reflections achieve both individuality and unity through the use of a harmonious palette of colors and materials.

All of these qualities work together to create a living environment that is attractive and easy to maintain.

### **1.3 Landscaping**

True to the Reflections philosophy of an undisturbed, natural environment, vegetation has been left unmanicured whenever possible. Indigenous planting is encouraged.

Like the building materials, added plantings should be complementary and harmonious with the overall scheme. They should be consistent throughout the community and serve to punctuate the established unity of structure and site.

## **II. WHAT MUST BE APPROVED**

### **2.1 Types of Changes**

**2.1.1** Article V, Section 5.2 of the Declaration of Covenants states that:

“No building, fence, wall, addition, porch, patio, structure or other improvements shall be commenced, constructed, erected, placed or maintained upon the properties, nor shall any addition to change or alteration therein or change or alteration of the finish thereof be made by anyone, other than by Declarant, until final plans and specifications showing the nature, kind, shape, height, materials, colors, dimensions

and location thereof have been submitted to and approved in writing by the Architectural Committee as to harmony of external design, conformity with the provisions of this Declaration and location in relation to surrounding structures and topography.”

**2.1.2** “Improvements shall mean buildings, garages, carports, roads, driveways, walkways, parking areas, fences, walls, covered patios, porches, elevated porches, sundecks, balconies, utilities, swimming pools, drainage facilities, hedges, plantings, planted trees and shrubs, and all other structures or landscaping improvements of every kind, nature and description.”

**2.1.3** To sum up: Prior written approval by the Committee is usually required before any alteration to the exterior of a home may be undertaken. This includes landscaping changes as well as structural modifications and/or additions. In addition, in accordance with Article X, Section 10.2 of the Covenants, the Committee is concerned with the possible uses to which a home and/or its surroundings might be put which could be deemed a nuisance that could adversely affect the comfort, enjoyment and property values of neighbors.

## **2.2 Location of Changes Requiring Architectural Approval**

### **2.2.1 The Lot Area**

This refers to that property owned individually or jointly and on which his/her house is built; the easement area is the “property lying between the foundation of any structure on any Lot of any Unit and the property line of said Lot or Unit.” (Article X, Section 10.4 of the Covenants). To determine where the lot boundary ends and the common area (that area held in common by all residents) begins, a homeowner should consult a copy of his/her plat.

In original Reflections, the easement area merges directly with the common area without any intervening fence or wall, and is visible from the common area. The Association is responsible for the landscaping maintenance of this easement area. Here, the Committee has no question about the applicability of Article X, Section 10.4, to wit:

**“No plants, appliances, devices or structures of any nature whatsoever may be placed in this easement area without the consent of the Board of Directors of the Association.”**

The Board of Directors has delegated to the Committee the responsibility for decision-making in the application of this rule. The Committee, in turn, has given blanket permission for certain types of plantings in this area. This is described in the *INTRODUCTION* and again below.

In Southbury and Twin Oaks, the individual homeowner is responsible for the landscaping maintenance of his/her own property. Further, in Southbury the easement area may be wholly or partially enclosed by walls or fences which make it invisible

from the street, thus exempt from Article X, Sec. 10.4.

The Committee gives blanket permission for plantings and/or other nonstructural landscaping improvements in that portion of an easement area which meets both of the following criteria: (a) it is not visible by neighbors or from the common area and (b) the homeowner is not entitled to landscaping maintenance by ROA. Such improvements, of course, must not violate any other provisions of the Guidelines or Covenants.

### **2.2.2 The Common Area**

No improvements may be placed in the common area without prior written permission from the Committee. Even if permission is granted any plants or devices (hammocks, swings, statuary, etc.) placed or erected on the common area may, at the option of the Committee, be treated as gifts to the Association and, as such, may be removed or repositioned by the Committee in consultation with the Board of Directors.

## **III. DESIGN REVIEW OBJECTIVES**

The objectives of design review are threefold:

- (1) To preserve and enhance the natural landscape and the planned environment.
- (2) To protect property values.
- (3) To protect neighbors by ensuring that reasonable provision has been made for such matters as surface water drainage, sound and sight buffers, the preservation of views, light and air, privacy and other factors present in the neighbors' enjoyment of their homes.

The Committee realizes that neighbors generally do not like to be "spoilsports" and that they usually are unaware of the provisions of the Guidelines which are there to protect them. Therefore, the Committee will make every effort to identify the possible effects of a proposed alteration. Under no circumstances will the Committee approve, without appropriate modification, a proposal which it believes will enhance one owner's enjoyment of his/her home at the expense or potential expense of another.

## **IV. DESIGN REVIEW CRITERIA**

The implementation of the above broadly stated objectives will of necessity involve judgment and, therefore, a certain amount of subjectivity on the part of the Committee. In order to remain as objective as possible, the Committee will examine every request for modification on the basis of the following criteria:

### **4.1 Validity of Concept**

The basic idea must be sound and appropriate to its surroundings in the sense that it does not detract from the aesthetic or property values of Reflections. This may not sound very different from items (1) and (2) of Section III, but by specifying that this consideration be discussed by the entire Committee, and with the owner and neighbors if necessary, there is a definite gain in objectivity.

## **4.2 Design Compatibility**

The proposed improvement must be compatible with the architectural characteristics of the applicant's house, the adjoining houses and the neighborhood setting. In the case of structures, compatibility is defined as similarity in architectural style, quality of workmanship (i.e., equal to or better), use of materials and colors and construction details. New construction must merge naturally with the existing house. For instance, vertical wood siding on the original house should be continued in any addition. Thus, options regarding materials and/or design will be limited somewhat by the design and materials of the original structure. Colors must be harmonious on a single house or lot, between adjoining properties, within a single designated neighborhood and between adjoining neighborhoods. Parts of an addition to an existing house should be matching color. The size (in three dimensions) of the proposed alteration should relate well to adjacent structures. For example, a large addition to a small house may be inappropriate in scale.

In the case of landscaping, harmonious placement of plants and shrubs, similarity of proposed planting to existing planting as well as the size and quality of plants are all considered. Priority will be given to low maintenance plants. Artificial plants are not permitted as a substitute for live growth inasmuch as they conflict with the design objectives of a natural landscape.

## **4.3 Location and Impact on Neighbors**

The importance that the Committee attaches to this consideration should have been evident from Section III, (3) above, and cannot be emphasized too strongly. Any proposed construction, alteration or improvement must relate favorably to the landscape, neighbors' homes and improvements, and the overall composition of the neighborhood. Trees and shrubs must not obstruct traffic sight lines or a neighbor's view of a distant vista, common open space or public street and must not overreach or cast an objectionable shadow on a neighbor's property.

### **4.3.1 Drainage**

Surface or storm water must be channeled or controlled to prevent its flow onto another's property and any excess flow must be directed into either natural or constructed drainage facilities or course in public ways or common open space. Measures adequate to prevent erosion or siltation must be used both during and after any alteration of the existing drainage pattern.

Any drainage problem suffered by a neighbor which can be directly attributed to an owner's alteration will be the financial responsibility of the owner who made the alteration.

### **4.3.2 Privacy**

It has been noted above (Section 1.1) that the homes in Reflections are oriented to provide maximum privacy. This privacy is meant to be both visual and acoustic. Generally, the windows and decks in one home do not obtrude upon those of its neighbors. In the freestanding houses of "old" Reflections, for example, windows and

decks, for the most part, face the bare walls or enclosed service areas of adjoining houses. The Committee sets a very high priority on the retention of this feature and any proposed structural modification which compromises it will be strongly discouraged and subject to a virtually incontestable veto by an objecting neighbor. In addition, the Committee will make every effort to apprise the neighbor of possible consequences of the change. A proposed modification which would have the effect of increasing the noise level in a neighbor's house, either continuously or occasionally, will be dealt with in similar fashion. The argument that a neighbor will not suffer a noticeable loss of visual or acoustic privacy if windows are kept closed will not be accepted by the Committee without the neighbor's explicit written consent. Neither will a neighbor's objection be over-ridden by claims intended to pressure him or her, such as "most people would not mind this change."

#### **4.3.3 Usage**

The purpose of a proposed architectural alteration or addition will be examined to determine if it is likely to result in increased traffic or activity in the easement area facing a neighbor's house which would substantially change the environment previously enjoyed, or if it would in any way discomfort neighbors in violation of Article X, Section 10.2 of the Covenants.

#### **4.4 Timing**

Projects which remain unfinished for long periods of time are visually objectionable and can be a nuisance and/or safety hazard for neighbors and the community. All applications must include estimated completion dates. If such a time period is considered unreasonable, the Committee may disapprove the application. Exceptions may be made or extensions granted in the case of extenuating circumstances.

#### **4.5 Preservation of Health and Safety**

The Committee is, of course, concerned that any proposed change should not create any health hazard or any dangerous or unsafe condition (e.g., compromising the structural integrity of a building). The Committee, for various reasons, may require professionally prepared plans and/or blueprints before considering approval. However, regardless of whether such a requirement is made or whether professional plans and/or blueprints are provided, Committee approval does not imply that the Committee has rendered a professional opinion or bears any responsibility for subsequent health or safety problems. Such responsibility belongs entirely to the owner making the change. (See Covenants, Section 5.6).

#### **4.6 Conformance with Declaration**

All proposed modifications must be in conformity with and consistent with the objectives and requirements of the Covenants.

#### **4.7 Compliance with State, County or Other Laws**

It is the responsibility of the owner to ascertain and to be able to present evidence that a proposed change does not violate or seek to circumvent any federal, state or county laws or

regulations, including licensing and permit requirements. Approval by the Committee in no way implies a legal opinion in this regard nor does it relieve the owner of the financial burden of making corrections as may be required.

## V. DESIGN REVIEW GUIDELINES

We now come to a listing of rules which apply to specific types of proposals or which are designed to preserve the general ambiance of Reflections. This listing is not all-inclusive. The fact that the list may not address a particular alteration does not mean that an owner is permitted to make it. If there is any doubt, a reading of Section II above may help; if there still is doubt, request an opinion from the Committee.

One further point concerning rules: sooner or later the situation is bound to arise wherein an owner, or even the Committee itself, may feel that, "Surely, this rule wasn't meant to apply in this case". The Committee may use discretion in how it applies a rule in a given context. However, it will never knowingly violate a rule by permitting something to be done which is explicitly prohibited, unreasonable as that prohibition may seem in a given instance. If owners are expected to honor rules, they must be confident that these rules are applied as consistently as humanly possible. One of the guiding principles to be followed by the Committee in processing requests is that neighbors have a right of protection of those aspects of their homes and surroundings which influenced them to move here in the first place.

### 5.1. Landscaping - Plantings

All plantings on the common areas and most plantings on the easement areas require prior written approval of the Committee. Native plants are recommended in order to maximize healthy growth and compatibility with the natural environment. A listing of recommended types is available from the manager's office. All approved plantings on the common areas become the property of ROA which assumes responsibility for maintenance. ROA has the authority to remove unapproved plantings at the owner's expense and, further, to require the owner to restore the area to an acceptable condition.

No plantings may be placed within three feet of a fire hydrant.

#### 5.1.1 Trees

The Committee will give consideration to applications for the planting of trees in the common or easement areas when such plantings are deemed appropriate to the overall landscaping scheme. Any damage to underground cables or water lines which results from the planting of trees will be the responsibility of the owner. No tree should be planted within five feet of an SCE&G transformer.

No trees may be removed from the common or easement areas without the written approval of the Board of Directors. (See [Appendix D](#) for complete Tree Preservation and Removal Policy.)

#### 5.1.2 Fruit Trees and Vegetables

Planting of fruit-bearing trees or shrubs requires the prior written approval of the

Committee.

Since an organic garden area is available to owners, planting of any type of vegetables in the easement or common areas will not be permitted.

### **5.1.3 Plants and Shrubs**

- (a) Shrubs may be planted only with the prior written approval of the Committee.
- (b) Shrubs must be located so that neither their foliage nor root systems will interfere with buildings, sidewalks, roads, or underground utilities when the shrubs are fully grown.
- (c) Shrubs may be planted within eighteen inches of an SCE&G outside transformer if the planting is done on the sides of the unit. No shrubs may be planted within four feet of the door of a transformer.

### **5.1.4 Flowers**

- (a) Owners may plant low-growing (no more than two feet in height at maturity) flowers in the easement areas of their own lots without permission from the Committee. However, any wooden, concrete, stone or decorative non-floral borders of any type must be approved by the Committee. Artificial flowers or plants are not permitted.
- (b) Flowers and flower beds are the owner's responsibility.

### **5.1.5 Planting at Borders, Fences and Walkways**

- (a) Planting of any type along walkways and curbing requires prior written approval of the Committee in order to ensure that mowing services will not be impeded.
- (b) Permission may be given to plant flowers and/or shrubs along the boundary fence provided application is made stating types of flowers, size and location.

**NOTE** - The restrictions listed in 5.1.2, 5.1.3(a) and 5.1.4(a) do not apply to those easement areas which meet the criteria of Section 2.2.1, last paragraph.

## **5.2 Other Landscaping Improvements on the Common and Easement Areas.**

Generally, any construction or placement of structures on common or easement areas requires prior written approval of the Committee. This requirement includes any addition to or deletion or change from the original design of these areas. The only exceptions permitted involve those easement areas which meet all of the criteria of Section 2.2.1, last paragraph. Any decorative or recreation items, either natural or manufactured, placed on the common areas is considered a gift to ROA which assumes jurisdiction over it.

No item of any type may be constructed, installed or placed within three feet of an SCE&G transformer or within three feet of a fire hydrant. The installation of garden borders must have the prior written approval of the Committee.

**5.2.1 Sidewalks, Curbs and Concrete Slabs**

Concrete construction shall be approved only if a need for it can be established to the Committee's satisfaction and if it does not infringe upon other residents' rights of enjoyment, constitute a safety hazard or impede mowing services. Installation must be in accordance with all applicable city, county, state codes and permits.

**5.2.2 Digging or Grading**

- (a) Digging generally will be approved when it is related to approved landscaping. Digging for landscaping purposes must not interfere with proper drainage or with underground utilities.
- (b) Individual owners may not re-grade the grounds in their easement areas without first having submitted a grading and drainage plan to the Committee for written approval. Such work must be done by a licensed contractor.
- (c) Before any digging or grading is commenced, the owner has the responsibility of locating any underground utilities and is responsible for any damage resulting there from.

**5.2.3 Fences, Borders, Walls and Walkways**

- (a) Other than approved sound and sight buffers, the construction by an owner of any type of fence, border or wall in the common or easement areas is prohibited.
- (b) Treated cross-ties may be used for decorative or functional purposes under certain conditions upon application and approval by the Committee.
- (c) The installation or construction of any sidewalk or walkway, including paving, bricks or stepping stones, must have the prior written approval of the Committee.

**5.2.4 Barbecue Pits, Grills and Fireplaces**

The construction of any permanent type of barbecue pit, grill or fireplace in easement areas is prohibited. The placement of such items in the common areas must have prior written approval of the Committee and the Board of Directors; it is understood that such items then become the property of ROA, and as such, available for general usage by the entire community subject to such rules as may be promulgated by the Board.

**5.2.5 Tree-hung Hammocks, Swings, etc.**

In order to preserve trees and prevent disease infestation, no bolts, hooks, nails or similar fastenings shall be placed in any tree for the purpose of hanging hammocks, swings, etc. Consideration will be given to applications for hanging objects such as hammocks and children's swings on trees provided the suspending material consists of ropes, cloth or hemp; metal may not be used.

**5.2.6 Huts, Sheds, Shacks, Lean-tos, Tents, Tree houses, Greenhouses, Etc.**

Such structures are expressly forbidden.

**5.2.7 Patio or Deck Extensions**

Structural additions to patios or decks which encroach on common grounds will not be approved.

**5.2.8 Games and Playground Equipment**

There is no objection to the use of game equipment on the common areas provided such equipment does not remain overnight.

The placing of any permanent type of playground equipment on the common area must have prior written approval of the Committee. If approved, the equipment becomes the property of ROA.

**5.2.9 Picnic Tables, Benches, Chairs and Lawn Furniture**

- (a) No furniture, whether permanent or nonpermanent, will be permitted on the easement or common areas.
- (b) Benches are not permitted in easement areas, but consistent with the Association's Gift Policy, benches of the Charleston type only may be placed on common property adjacent to the amenities with prior written approval. Benches may be placed on porches and decks without approval.
- (c) There is no objection to the use of lightweight type of lawn furniture in these areas provided such furniture does not remain on the grounds overnight.

**5.2.10 Signs**

- (a) Only house numbers and owner names are permitted on postboxes. Brass or black numbers affixed to the front of a unit not in excess of five inches are also permitted. (See also Sections 5.2.15 and 5.4.3(d))
- (b) Identification signs such as street markers and traffic control signs are the responsibility of ROA.
- (c) No other permanent or temporary signs of any type will be permitted. The only exceptions to this rule are (i) a temporary emergency sign used to warn residents of danger and (ii) notices of events posted by ROA on bulletin boards provided for such purposes.
- (d) Commercial security signs are permitted but must be placed as close to a house as is practicable so as to retain their deterrent function.

**NO "FOR SALE" OR "FOR RENT" SIGNS WILL BE PERMITTED**

**5.2.11 Exterior Yard Decorations, Lighting and Lighting Fixtures**

- (a) The architectural and landscaping scheme at Reflections was

implemented by professionals and was designed so as to preclude a cluttered appearance in our neighborhoods resulting from the placement of such decorative objects as birdbaths, sculptures, statuary, fountains, pools, free-standing poles and other unnatural items. It has long been policy to require strong substantiation for any deviation from the original design. Thus, it was not permitted to place any decorative object on the easement or common areas. However, the Committee recognizes the desire of owners to individualize their homes, within limits, and, further, believes that, in the case of statuary, some relaxation of the policy is indicated. Therefore, statuary is permitted so long as the following limitations are observed: no more than two objects; no object taller than two feet; nothing made of plastic, glass or metal; no colored objects; objects must be appropriate to the surroundings. It must be remembered that while a decorative object may be pleasing to one owner, it may constitute an eyesore to another. In the event such an item is objected to, the Committee will resolve the matter and its decision will be final.

- (b) Exterior lighting or lighting fixtures in the easement or common areas, not included in the original design scheme, will require prior written approval of the Committee. All exterior lighting shall conform to SCE&G standards.
- (c) Decorations relating to the December holidays shall not be used prior to December 10th and shall be removed by January 10th. Small lights attached to eaves or shrubbery do not require approval. Strobe or spotlights shall not be used inasmuch as the glare from such lighting can be offensive to your neighbors and are contrary to the environmentally low-key design of Reflections.

#### **5.2.12 Flags and Flag Poles**

- (a) A 3 x 5 foot American flag and a six foot staff are authorized to be mounted on the front or side of a home provided that the positioning does not interfere with a neighbor's line of sight.
- (b) Homeowner applications for the use of flagstaves in excess of six feet or for the installation of free standing vertical flag poles will not be approved.
- (c) The display of more than one flag or of a flag other than the American flag is authorized for special holidays only and must not continue beyond the holiday. *Flags and banners must be removed when they become faded, tattered or otherwise unsightly.* The permanent display of any flag other than the American flag or a temporary display not occasioned by a holiday requires the prior written approval of the Committee. Any objections to the appropriateness of a decorative flag must be expressed

in writing to the Committee. The Committee's decision will be final.

### **5.2.13 Bird Shelters and Feeders**

- (a) Two bird houses or two bird feeders may be installed without permission, provided that such items are not over one cubic foot in size, are of color and materials in harmony with the landscaping theme. They may be hung from (not nailed to) trees or suspended from chains attached to the eave overhang or from brackets attached to one's house or from one-inch pipe-size poles or shepherd's crooks. Owners must consult with ROA manager prior to pole installation to ensure there is no interference with utility, cable or irrigation lines.
- (b) No birdhouses or feeders will be installed on the common areas. No gourd type birdhouses are permitted.

### **5.2.14 Docks, Piers and Entrance Ways**

All means of water entry to the lakes, such as docks, piers and boat ramps, are the responsibility of ROA and will be constructed and maintained at its direction. Privately constructed installations, unless approved, will be removed with costs to be borne by the owner.

### **5.2.15 Postal and Newspaper Boxes**

- (a) All postal and newspaper boxes must be painted black. Deviation there from is not permitted. ROA is responsible for repainting *boxes, but homeowners are responsible for maintenance and repair of posts and boxes, in conformity with the original design.*
- (b) *When it becomes necessary to replace all the mailboxes and/or posts in a neighborhood, ROA is responsible; neighborhood common area funds should be used if possible.*
- (c) Owners may place names and house numbers on the side of the postal boxes without permission from the Committee.

## **5.3 OTHER OUTDOOR GUIDELINES**

### **5.3.1 Firewood Piles**

Firewood piles are to be maintained in good order. In order to preserve the open spaces, they should be placed in an inconspicuous location not visible from the street. The wood must not be stacked against any part of the building or deck supports because of the possibility of termites. NO firewood will be permitted closer than six feet from the boundary fence.

### **5.3.2 Outdoor Clotheslines**

Outdoor placement of such items is expressly forbidden. Similarly, use of deck rails, service area walls, shrubbery or lawns for the drying of laundry is prohibited if visible from outside the house area. No items stored in the service area should be visible.

**5.3.3 Boats, Trailers, Campers and Recreational Vehicles**

- (a) Parking of boats, trailers, campers or other recreational vehicles in the residential areas is not permitted. A fenced storage area adjacent to the maintenance shed is available for this purpose.
- (b) Temporary parking of not more than 48 hours duration is authorized for these vehicles in the Clubhouse parking area.
- (c) The operation of motorcycles, mopeds or other motorized recreational vehicles off the paved areas of Reflections is PROHIBITED. The operation or parking of any motorized vehicle off the paved areas is permitted only in cases of emergency or the performance of authorized maintenance work or to load or unload boats in the boat parking area adjacent to Mirror Lake.

**5.3.4 Underground Utilities**

In order to prevent damage to buried cables and/or disruption of service, no digging of any kind is permitted without prior written permission from the ROA manager.

**5.3.5 Antennas, Aerials, Receiving and Broadcasting Devices.**

- (a) Installation or placement of any antenna, aerial, receiving or broadcasting device or similar item, either in the easement or the common areas, or where visible by neighbors will not be authorized by the Committee. A possible exception to this rule may be made for those easement areas meeting all of the criteria of Section 2.2.1. However, in addition to the stringent requirement of non-visibility by neighbors or others, there is the additional requirement that there be no interference with a neighbors' reception of broadcasting or operation of any other electronic device.
- (b) Installation of satellite dishes are subject to Federal Communication Commission regulations which prohibit restrictions that impair installation, maintenance or use of antennas used to receive video programming. The rule allows homeowner associations to enforce their own authorized restrictions so long as they do not impair the installation, maintenance or use of satellite dishes. However, placement of a satellite dish on an owner's property remain subject to Section 10.5 of the Covenants which provides that no outside antennas shall be erected without prior written permission from the Committee.

**5.3.6 Animal Shelters, Pens and Runs**

Individual animal runs, pens, fenced areas and/or other types of animal shelters in the easement or common areas are not permitted.

**5.3.7 Heat Pumps**

One of the unique and pleasant features of original Reflections is the installation of

heat pumps within the service areas out of view from the outside. The heat pump must not be removed from the service area without prior written approval from the Committee.

Removal of the heat pump from its originally installed position in the service area is generally discouraged but may be approved in certain well-documented cases. In considering any request for heat pump relocation, the primary concern of the Committee will be the preservation of a neighbor's visual and acoustic privacy. It will not be assumed automatically that acoustic privacy is preserved if the relocated heat pump faces a blank wall of a neighbor's house. In addition, the Committee will determine whether the proposed relocation will adversely affect the general ambiance of the community.

It should go without saying that all owners must maintain their heat pumps in a manner which shows consideration for their neighbors. However, an owner who has relocated a heat pump outside the service area bears a particular ongoing responsibility for maintaining the conditions under which the relocation was originally approved. Thus, if the heat pump becomes excessively noisy, it will be the responsibility of the owner to remedy the situation to the satisfaction of his/her neighbors and the Committee. The construction of an appropriate sound barrier and/or further relocation of the heat pump may be required in extreme cases. All subsequent owners shall be deemed to assume this responsibility.

The preceding provisions also apply to air conditioning units and heating systems other than heat pumps.

### **5.3.8 Propane Tanks**

Installation of propane tanks must have the prior written approval of the Committee and must be screened by either lattice work painted to match the color of the house or by plantings.

### **5.3.9 Garbage Containers and Pickup**

All containers must be maintained in the service areas. In locations such as Southbury and Twin Oaks where collectors do not come into the service area, containers must be replaced in an out-of-sight area no later than at the end of the day of collection. In some instances, a service area may have been enclosed. However, containers must still be stored therein. Owners may place the containers to the curb on pickup day or otherwise arrange collection with the manager.

Richland County provides bins for biweekly (as of Feb. 4, 2013) collection of many recyclable items; please refer to the Richland County Website, <http://www.richlandonline.com/Government/Departments/SolidWasteRecycling/CurbSidePickup/Recycling.aspx>, for details.

Occasionally, an owner may have a very large amount of scrap material. In original Reflections, where garbage is picked up from the service area, it is nevertheless permissible in this situation to stack this material neatly along the curb on the night

before pickup. Please request a schedule of collection days from the manager.

### **5.3.10 Modification to Service Area**

Any structural modification to a service area must have prior written approval of the Committee. A request will be reviewed for, among other things, strict compliance with Sections 5.3.7 and 5.3.9.

## **5.4 Structure, Structural Decorations and Structural Changes.**

All external improvements and/or major alterations to any structure require prior written approval of the Committee. Blanket approval has been given for some minor alterations visible from the common areas. Alterations, whether external or internal, which may possibly violate the “nuisance” provision of the Covenants (Section 10.2) require prior written approval of the Committee. If the completed alteration does not meet Guideline standards, ROA has the authority to order the work redone or removed at the expense of the owner involved.

### **5.4.1 Flower Boxes**

- (a) Reasonable use of hanging baskets, flower and plant boxes and/or other containers is authorized for porches, balconies and decks. Artificial flowers and plantings are not permitted.
- (b) No flower boxes are to be attached to the house structure.
- (c) The placement of baskets, boxes and other flower containers on porches, decks and balconies should not interfere with a neighbor’s view or create a safety hazard.

### **5.4.2 Screening and Enclosure or Alteration of Balconies and Porches**

Screening and enclosure or alteration of balconies and porches require prior written approval of the Committee.

### **5.4.3 Decorations on Exterior Doors and Walls**

- (a) A brass kick plate may be placed on an exterior door without prior Committee approval.
- (b) Brass doorknockers, doorknobs and handles may be installed on exterior doors without prior Committee approval.
- (c) Brass or black house numbers not in excess of five inches may be used.
- (d) Peepholes that are standard in size and unobtrusive in appearance may be installed on doors without prior Committee approval.
- (e) Any permanent decoration or alteration not covered above will require prior written approval of the Committee.
- (f) Simple decorations, such as black wrought iron pieces that fit flat against the side wall of the front porch, may be attached to walls. Large colorful decorations are not allowed, and any decoration clearly visible from the street is discouraged.

**5.4.4 Alteration to Existing Doors and Windows**

- (a) No exterior door, either hinged or sliding, shall be altered without prior written approval of the Committee. Doors which are entirely invisible from the common areas and from neighbors' homes are exempt from this restriction.
- (b) Alteration of windows requires prior written approval of the Committee. Stained glass windows will not be approved unless meeting the exemption standard of (a) above.

**5.4.5 Addition of Doors or Windows**

- (a) Any changes to doors or windows requires prior written approval of the Committee. All doors and windows must be painted to match the color of the unit. Exceptions may be made if meeting the exemption standard of 5.4.4 (a).
- (b) Installation of storm windows requires the prior written approval of the Committee.
- (c) Installation of storm or screen doors at the front entrance is generally permitted, but still requires the prior written approval of the Committee.

**5.4.6 Roof Alterations and Skylights**

NO changes of roofing materials or colors shall be made without prior written approval of the Committee.

- (a) Requests for the installation of skylights are generally approved. However, approval will not be given for skylights which are excessively large in area compared to the relevant roof area or which have an extremely high "bulge" or a profile so high as to radically change the appearance of the roof. The mounts supporting the skylight must match the color of the roof. Multiple skylights on a single roof area will not be approved.
- (b) Operable venting skylights, operable roof window skylights or any type of skylight which opens to the outside will not be approved.
- (c) Request for installation of Solar tubes (10" and not to exceed 14" circumference) are generally approved. However, prior to installation, a written request must be submitted to the Committee for approval
- (d) An owner is responsible for the correction of any leakage or safety problem resulting from any roof alteration.

**5.4.7 Exhaust Fans**

- (a) No roof-mounted fans or vents will be approved.
- (b) Gable-mounted fans totally invisible from the outside are generally considered acceptable by the Committee. However, application for

installing fans must be submitted to the Committee and the Committee must be assured that the fan will not constitute a noise nuisance to neighbors. If unreasonable noise develops subsequent to approved installation, the Committee reserves the right to require its replacement or removal at the owner's expense.

#### **5.4.8 Drainpipes, Gutters and Downspouts**

- (a) Gutters, downspouts and diverters may not be added without prior written approval of the Committee. Installation of gutters or downspouts is regulated by guidelines set forth in [Appendix E](#).
- (b) Installation of drainpipes of any kind which are not part of an approved gutter/downspout system must have prior written approval of the Committee.

#### **5.4.9 Awnings**

Since awnings would change the architectural lines of a house, they are considered unacceptable unless they meet the conditions of Section 5.4.4(a).

#### **5.4.10 Window Treatments**

The hanging of blankets, tablecloths or other unusual window coverings (towels, clothing, banners, etc.) may be viewed as unsightly or as inappropriate and, thus, not permitted.

#### **5.4.11 Individual Room Air Conditioners**

Room air conditioners would destroy the architectural lines of Reflections homes and are not permitted unless totally invisible from the outside. However, their use is subject to the nuisance provisions of Section 10.4 of the Covenants.

#### **5.4.12 Exterior Lighting**

Both the addition of exterior lighting fixtures to a dwelling or to its landscaping as well as any modification of existing lighting requires prior written approval of the Committee. All exterior lighting must conform to ROA and SCE&G standards.

#### **5.4.13 Exterior Painting and Staining**

- (a) No change in the original paint or stain is permitted without prior written approval of the Committee. This applies to balconies, porches, steps and railings or any other part of the structure. However, changes within the palette of colors will generally be approved.
- (b) Owners in Twin Oaks are permitted to paint front doors only from a palette of colors which can be reviewed in the manager's office.

#### **5.4.14 Ramps**

The construction of a ramp or other alteration due to physical or other medical requirements will be permitted only after prior written approval from the Committee. **Plans for the alteration and an estimate for removal of the alteration must have been submitted to the Committee**

**prior to approval.** All costs of installation and removal of ramps or other temporary alterations are to be borne by the owner. **The owner must deposit monies for removal of the alteration prior to installation into a separate ROA escrow account. The property must return to its original appearance once the alteration is no longer needed.**

## **VI. DESIGN REVIEW PROCEDURE**

### **6.1 Case by Case Consideration**

Any alteration not specifically granted blanket approval within these Guidelines must be reviewed and approved by the Committee even though similar or identical changes have previously been approved for other houses or common area.

### **6.2 Application Forms**

There are presently three application forms, two for landscaping (individual resident, and neighborhood limited common area) and the other for structural changes. The forms for individual resident and neighborhood limited common area contain an IMPORTANT NOTE TO NEIGHBORS. This separate sheet must accompany the completed form when it is shown to your neighbors as you request their signatures. In the event your proposed project may affect neighbors other than those immediately adjacent to you, the Committee then may require additional signatures and/or commentary. Links to these forms are on the Website's Governance Page <http://www.reflectionslife1.net/governance.html>. Forms may also be obtained from the Manager.

## **ORAL REQUESTS WILL NOT BE CONSIDERED**

### **6.3 Completion of the Form**

It is important that all requested information be provided. The Committee reserves the right to refuse to consider incomplete forms. In addition to the name(s) and address of the applicant(s), the following information is required:

#### **6.3.1 Estimated Start and Completion Dates**

The estimated time for completion of the project is an important consideration, especially for those projects which are noisy and/or unsightly in execution. (See Section 4.4) In the case of extensive alterations, it is a good idea to check with neighbors for purposes of scheduling the work so as to minimize any inconvenience.

#### **6.3.2 Signatures of Neighbors Most Likely To Be Affected**

The application forms call for the signatures of immediately adjacent neighbors along with their comments, if any. If, for any reason, you are unable to obtain your neighbors' signatures, you may request the Committee to contact them for you or otherwise waive the requirement.

Some projects may affect neighbors other than your immediate ones, thus, the Committee may require that you also contact these additional neighbors and append their signatures and/or comments to the application or the Committee may contact them directly.

**6.3.3 Statement of Work Performance (Self or Qualified Contractor)**

An owner should have the right to do a job for which he is qualified, provided that this does not unduly prolong a noisy or unsightly operation over an extensive period of time. Here again, the interests of neighbors must be considered; for this or other reasons, a qualified contractor may be required. For some projects (e.g., gutter/downspout installation), plans and names of contractors may be available from the manager. A building permit may be required for the proposed project. An owner shall inquire of the ROA manager if a permit is required and the necessary procedure of obtaining one. Regardless of whether the job is done by you or a qualified contractor, the Committee reserves the right to withhold final approval of an improperly done job. Resolution of any difficulty arising between an owner and a contractor must be resolved by them.

**6.3.4 Statement of Maintenance/Upkeep**

All future maintenance and upkeep of any addition or modification becomes the responsibility of the owner who must also inform a new owner of that responsibility.

**6.3.5 Change to Grade or Drainage Pattern**

Any drainage problem resulting from an alteration must be remedied at the expense of the owner making the modification. To prevent this problem, the Committee may require a drawing showing the expected drainage pattern. If concern about drainage warrants, the opinion of an expert, employed at the owner's expense, may also be required.

**6.3.6 Written Description of the Project - Structural**

The Committee must have a clear idea of the appearance and the structural nature of the proposed alteration. The following information should be submitted.

- (a) Plans and Specifications: The extent and complexity of these depend, of course, on the nature of the project. There are some alterations for which approved plans exist, at least for most of the houses in original Reflections, and all that need be noted is whether these plans are to be followed or whether some deviations are contemplated, which then should be carefully detailed. There are alterations which have been made to a large number of other houses, and it may be possible to give the Committee a clear idea of what is planned by referring to, or providing a photograph or sketch of, an existing example. Even here, however, it is essential to show the location and dimensions of the proposed alteration (e.g., the exact position on a roof and the size of a skylight). The Committee should also be assured that the proposed alteration will not compromise any internal load-bearing members or shared walls. Some structural changes are sufficiently major that perspective drawings and/or blueprints prepared by a registered architect must be submitted and approved before work may be commenced. Generally either or both of two criteria will guide the Committee in making this determination: (i)

the alteration will result in a marked change in the visual architectural features of the house. For example, relationships between existing and proposed rooflines, window sizes and alignment, building heights, roof slopes, etc., should be clearly shown. In the case of attached houses, the change in relation between the applicant's house and its neighbors is also relevant; (ii) the alteration involves changes in the foundation or other load-bearing structural components or is generally of such a nature that prudence should dictate professional planning.

In cases where professionally prepared plans are required, the owner may first seek "approval in principle" before incurring the expense of obtaining such plans. Such approval may be obtained on the basis of less extensive sketches. The Committee will work with the owner in determining what is required.

- (b) Color and materials (include characteristics and quality of the material to be used, method of construction, if applicable, and installation). In most cases, a statement that the proposed deck, for example, is to be painted to match the house color is sufficient. Where materials and/or colors are compatible with, but different from, those of the existing structure, samples or color chips should be submitted.
- (c) Any other information about the proposed project that may assist the Committee in assessing its effect on the health, safety and rights of neighbors' enjoyment or on the operating, maintenance or insurance costs will be useful in assisting the Committee.

### **6.3.7 Written Description of the Project - Landscaping**

- (a) For extensive plantings, you should specify the size, shape and location of the proposed planting area and a description of any decorative borders. Location may be described most easily by the submission of a sketch or a copy of your property plat. For one or two shrubs or bushes, or for replacement of dead plantings, a statement of location relative to the house or other plants will usually suffice. Care must be taken not to encroach upon the common areas. For other landscaping kinds of improvements, (e.g., decorative objects, stone or gravel walkways), location as well as the material to be used must be carefully specified on a sketch or plat.
- (b) In the case of plantings, names of plants, shrubs or trees and their heights at full growth should be provided.
- (c) Provide any other information referred to in Section 6.3.6(c).

### **6.4.1 Owner's Applications**

The fully completed application form should be submitted to the Committee at least one week before its regularly scheduled monthly meeting in order that it

may be considered and on-site visit or discussion with the applicant made, if appropriate.

Copies of all legally required building or other permits must be submitted with the application. Obtaining the required permits is the responsibility of the owner. If the application is approved without all required permits having been obtained, liability resulting from failure to obtain them is that of the owner. (See also Section 4.7 and 6.3.3)

#### **6.4.2 Renter's Applications**

**The same general procedures apply.** However, residents renting units should submit their applications through the owner or else have the owner or an authorized agent sign the application prior to submission. It is the renter's responsibility to be certain that an agent is authorized to approve the proposed changes. Any subsequent difficulty is a matter which lies entirely between the renter and the owner.

#### **6.5 On-Site Visitation**

Prior to the meeting at which the application is to be considered, one or more members of the Committee may visit the location of the proposed project.

#### **6.6. Third Party Comments**

In addition to immediately adjacent neighbors and any other neighbors whose opinions are directly solicited by the Committee, any concerned resident may send written comments about a proposed change directly to the Committee for consideration during the review process. Such comments will be treated in confidence and weighed against the standard set forth in the Declaration of Covenants and the specific and general guidelines described in this document.

#### **6.7 Consideration of the Application**

Generally, this will take place at the regularly scheduled monthly meeting of the Committee. The applicant's neighbors and other concerned parties may attend the meeting to express their views and answer any questions about the project.

In order to do this, they must:

- (i) Notify the chairperson at least 48 hours in advance of the meeting.
- (ii) Agree to participate in the discussion only during a time period devoted to the application or limited by the chairperson for other reasons (e.g., confidentiality).

In the interest of minimizing delay, the Committee may give the chairperson the authority to approve certain types of routine applications, such as spring plantings, without waiting for the regular meeting. Also, in those cases where approved plans exist or which are similar to already completed projects on other homes, the Committee may, by telephone or email poll, give the chairperson the authority to grant "permission to proceed" (see below). However, in no case will this be done without a written application having been received, including the "no objection" comment by neighbors. It is also to be emphasized that the applicant has no right to demand such early consideration on the basis of precedent or any

other reason except an emergency to correct an unsafe condition.

From time to time, owners turn in applications together with the verbal or written statement that they have already hired a contractor to commence work on a date well before the next meeting of the Committee. The Committee will make every effort to accommodate the owner within the bounds of the Declaration and the Guidelines. However, the fact that a contractor has been hired will not influence the deliberations of the Committee.

### **6.8 The Committee's Decision**

The Committee reserves the right to withhold action on incomplete or improperly completed applications. These will be returned to owners for resubmission.

**6.8.1** The Committee will disapprove the project if it is not compatible with the general and explicit criteria set forth herein.

**6.8.2** The Committee may approve a request "in principle" and ask for further information. For example, where a major structural alteration is proposed and professionally prepared plans and/or blueprints are available. Approval "in principle" does not mean that work may be commenced.

**6.8.3** The Committee grants approval. This means that the Committee is satisfied that if the project is completed in strict accordance with the descriptions and/or plans in the application the result will be fully compatible with the Covenants and these Guidelines.

### **6.9 Notification of Decision**

**6.9.1** The applicant generally can expect to receive notification of the Committee's decision within a few days following its meeting. Only WRITTEN notification, signed by the Committee chairperson or designated agent, is official. No project shall be commenced on the basis of oral notification.

**6.9.2** Section 5.2 of the Covenants provides ". . . any plans submitted to the Architectural Committee which are not disapproved in writing within sixty (60) days after submission thereof by the Architectural Committee shall be deemed approved. . . ." The date that an application is first reviewed by the Committee shall be noted thereon and the sixty (60) day period will commence to run at that time.

### **6.10 Right of Appeal**

An applicant who disagrees with a Committee decision may take a number of actions. As a first step, it is important to be absolutely certain that the Committee has clearly understood the nature of the request; conversely, the applicant should be certain that he/she understands the basis for the Committee's decision. These misunderstandings may be resolved by an appearance at a regular meeting. If the disagreement cannot thus be resolved or if the applicant wishes to skip this step, the owner may appeal directly to the Board of Directors. Request for appeal must be initiated, in writing, within ten (10) days of receipt of the Committee's final decision; the Committee must be informed of the appeal.

On appeal the Board may affirm, modify or reverse the Committee's decision or remand with instructions for further proceedings. Findings of fact and conclusions of the Committee shall not be set aside unless clearly erroneous. A two-thirds vote of Board members present at its meeting is required to reverse or modify a decision of the Committee. If the Board does reverse or substantially modify the decision, the Committee may accept the reversal/modification, approve the request accordingly and note the action in its records. It will also instruct its Board Liaison member to include in the minutes that the decision was made against the recommendation of the Committee.

If the Committee feels very strongly about the Board's action, it may, by unanimous vote, reject the reversal and continue to withhold approval of the applicant's request. This is most likely to happen if the Committee believes that the Board has effectively changed, rather than interpreted, a guideline. Regardless of the Committee's reasons for rejecting the reversal, the Board may then decide to grant approval directly to the applicant. In no event, however, may the applicant proceed to commence a project without having legitimate written approval.

Once all appeals have been exhausted, a request which has failed of approval will not be reconsidered either by the Committee or by the Board unless the applicant provides significant new evidence affecting the decision, in which case the application will be reconsidered as a new request.

The appeals process described above is also available to a neighbor when an application has been approved despite his/her objection. In such a case, the Committee will inform the neighbor of its decision and inquire whether implementation of the approved application should be delayed until the ten day period for appeal has run.

### **6.11 Time for Compliance**

The Committee is aware of the vagaries of suppliers and contractors, to say nothing of the weather. However, "permission to proceed" or "approval" cannot remain valid indefinitely. Applicants whose requests have been placed in either of these categories will be required to begin the work within sixty (60) days of the notice of decision unless this time limit is extended, in writing, by the Committee after a formal appeal. It is also required that the work be completed within the time limit specified on the application, although lenience will be granted for weather or other unavoidable delays. Extension of the completion time beyond these limits requires written permission of the Committee. The failure of the applicant to comply with these provisions will render any approval by the Committee null and void. If work already has been commenced, the applicant may be required to restore the affected property to its original state at his/her expense.

### **6.12 Monitoring**

The Committee, or any of its members designated to do so by the Chairperson, has the authority to monitor the progress and quality of the work being done in order that it comply with conditions of approval.

### **6.13 Certificate of Compliance**

The applicant must inform the Committee immediately upon the completion of a project. If the result is in full compliance with the conditions of approval or if a “permission to proceed” is then upgraded to approval, the Committee will then issue a Certificate of Compliance, a copy of which shall be placed in the owner’s permanent file retained in the manager’s office.

#### **6.14 Deviation from Approval**

In the event that a project is being implemented or is completed in a manner which deviates from the conditions of approval, the applicant may be invited to appear at a Committee meeting to show why approval should not be revoked.

### **VII. COVENANTS AND GUIDELINE ENFORCEMENT**

#### **7.1 Violations**

These generally will fall into one of four categories:

- (a) No application made for changes.
- (b) Changes made by an owner after disapproval by the Committee.
- (c) Change made after failing to obtain formal Committee approval following “permission to proceed” basis.
- (d) Failure to comply with conditions of approval.

#### **7.2 Authority to Enforce**

The Board of Directors is charged with the enforcement of the Covenants and of ROA rules. Section 3.5.(b) of the Declaration empowers the Board “... to commence and maintain actions and suits to restrain and enjoin any breach or threatened breach of the Declaration...”

Section 5.4 of the Declaration provides that the Architectural Committee has the responsibility for formulating “. . .rules and regulations to be known as Architectural Committee Rules. Said Rules shall interpret and implement the Declaration. . .” This means that the rules herein are effectively part of the Covenants and thus subject to enforcement by the Board.

In cases of violations of the types listed in Section 7.1 or any other violations of stated Committee standards, the Association has the authority to order the unsatisfactory work redone or removed at the expense of the owner involved.

#### **7.3. Enforcement Procedure**

If a violation is reported:

- (a) A first letter is sent to the owner involved officially giving notice of the violation. If possible, steps for compliance will be suggested.
- (b) If resolution of the problem cannot be agreed upon, a second letter will be sent by certified mail requesting that the violation be remedied within ten (10) days or other reasonable period determined by the Committee.
- (c) If the second letter does not result in corrective action, the matter will be

submitted to the Board to initiate enforcement proceedings.

#### **7.4 A Final Word**

It is perhaps appropriate at this point to emphasize that, despite the procedures outlined above the system can work only if all owners really want it to work. Reflections is an exceptionally attractive community and it is important to understand that in the long run, its continued appeal and protection of property values depend on the cooperation of all its members.

**APPENDIX A: ARCHITECTURAL COMMITTEE ORGANIZATION****1. Membership**

The Covenants state that “Members of the Architectural Committee shall be appointed by and serve at the pleasure of the Board.” They further specify that the Committee shall consist of at least three members, none of whom is required to be an architect or a member, officer or director of the Association or to meet any other particular qualifications. However, although not specifically required by the Covenants, members should have an interest and, ideally, some experience in making aesthetic and practical judgments on housing construction, remodeling and landscaping.

The Covenants also empower the Board, at its discretion, to increase or decrease (if there are more than three members) the size of the Committee. In 1998, the Committee recommended and the Board approved a plan whereby the number of Committee members would be seven in order that, if at all possible, there would be one representative from each neighborhood.

In addition to voting members of the Committee, a Board member is appointed to act as official liaison between the Board and the Committee and serve in a nonvoting capacity. This Board liaison appointee also reports the activities of the Committee to the Board.

Members of the Committee may be removed for persistent failure to attend meetings and/or to perform assigned duties. Failure to attend any three consecutive meetings and/or to complete on time any assignments shall be sufficient cause for removal.

**2. Voting**

- a. **Quorum** - A quorum shall consist of a simple majority of voting members, but never less than three. If total membership consists of an even number, then half the membership shall constitute a quorum.
- b. **Voting** - Committee decisions on homeowner applications and all other architectural/landscaping matters except new procedural rules or guidelines shall be made by a majority vote of members present at a meeting at which there is a quorum. No Committee member may vote in matters with respect to his/her own application or to applications in which he/she has an interest.

New procedural rules, the promulgation of new guidelines or the elimination of rules or guidelines, require the vote or written consent of a majority of the entire Committee. The same majority approval is required for the removal of a Committee member for cause; the member whose removal is being considered has the right to participate in the vote.

- c. **Proxies** - There are certain architectural requests for which approved plans exist and/or are otherwise routine. In these instances, the Committee may authorize the Chair to approve the application in the interest of expediency. Such authorization must be confirmed and approved by vote at the next regular meeting. No other proxy votes are permitted.

### 3. **Meetings**

The Committee shall hold meetings at regular intervals, but not less frequently than quarterly, throughout the year and special meetings at its own discretion. The schedule of regular meetings shall be made known in advance to the Board, the ROA manager and the membership.

### 4. **Officers and Their Duties**

The officers of the Committee are a Chairperson and a Vice Chairperson. The Chairperson shall be appointed by the Board of Directors. Other officers may be appointed by the Chairperson as deemed appropriate.

#### **Duties:**

- a. **Chairperson** - The Chairperson shall preside at all meetings, inform members of dates, times and locations; have sole responsibility for seeing that all Committee orders and decisions, written or otherwise, are executed; represent the Committee, when necessary, at all official community functions; and report regularly with the Board.
- b. **Vice Chairperson** - The Vice Chairperson shall act in the Chairperson's absence, inability or refusal to act and shall discharge any other duties as may be required by the Committee.

**APPENDIX B: ARCHITECTURAL CONTROL**  
**PORTIONS OF THE DECLARATION OF COVENANTS PERTAINING TO**  
**ARCHITECTURAL CONTROL**

**A. THE COMMITTEE**

**Article V**

**Architectural Control**

**Section 5.1**

(a). **Committee Composition.** The Committee shall consist of three (3) persons, none of whom shall be required to be an architect, or a member, officer or director of the ASSOCIATION or to meet any particular qualifications. From and after such times as the Board acquires the right to appoint, remove and replace members of the Architectural Committee, the Board may, at its discretion, and from time to time, increase or decrease the size of the Architectural Committee, provided, however, that in no event shall the size of the Architectural Committee be less than three (3).

(b). **Appointment, Removal, etc.** The Architectural Committee shall be appointed by and serve at the pleasure of the Board.

**Section 5.3**

**Meetings and Compensation.** The Architectural Committee shall meet from time to time as necessary to perform its duties hereunder but no less often than semiannually. The vote or written consent of a majority of the members of the Architectural Committee, at a meeting or otherwise, shall constitute the actions taken by it at such meetings or otherwise. Members of the Architectural Committee shall not receive any compensation for services rendered.

**B. DUTIES**

**1. General Statement**

**Section 5.2**

**Duties.** It shall be the duty of the Architectural Committee to consider and act upon any and all proposals or plans submitted to it pursuant to the terms hereof, to ensure that any improvements constructed on the Properties by anyone other than DECLARANT, conform to plans approved by the Architectural Committee, to adopt Architectural Committee Rules, and to carry out all other duties upon it by the Declaration.

The Board may, from time to time, prescribe additional duties not inconsistent with this Declaration to be delegated to the Architectural Committee. Notwithstanding anything contained in this Declaration expressly or impliedly to the contrary, no building, fence, wall, addition, porch, patio, structure, or other improvement shall be: commenced, constructed, erected, placed or maintained upon the Properties, nor shall any addition to or change or alteration therein or change or alteration of the finish thereof be made by anyone other than by DECLARANT, until final plans and specifications showing the nature, kind, height, materials, colors, dimensions, and location thereof have been submitted to and approved in writing by the

Architectural Committee as to harmony of external design, conformity with the provisions of this Declaration, and location in relation to surrounding structures and topography. Any plans submitted to the Architectural Committee which are not disapproved in writing within sixty (60) days after submission thereof by the Architectural Committee shall be deemed approved.

### **Section 1.9**

"improvements" shall mean buildings, garages, car-ports, roads, driveways, walkways, parking areas, fences, walls, covered patios, porches, elevated porches, sun decks, balconies, utilities, swimming pools, drainage, hedges, plantings, planted trees and shrubs, and all other structures or landscaping improvements of every kind, nature and description.

## **2. Specific**

### **Section 10.2**

**Nuisance.** No noxious or offensive activities shall be carried on in or around any dwelling unit nor shall anything be done thereon tending to cause embarrassment, discomfort, annoyance, or nuisance to the neighborhood. There shall not be maintained any plants or animals or device or thing of any sort whose normal activities or existence is in any way noxious, dangerous, unsightly, unpleasant, or of a nature as may diminish or destroy the enjoyment of other property in the neighborhood by the Owners thereof. No unlicensed motor vehicles, other than battery powered golf carts, shall be permitted on the roads and common areas of the REFLECTIONS development.

### **Section 10.4**

**Easement Area.** There is reserved unto the ASSOCIATION, its agents, successors or assigns, a "Maintenance Easement Area" on property lying between the foundation of any structure on any Lot or of any Unit and the property of said Lot or Unit.

This reserved easement shall permit the ASSOCIATION, its agents, and assigns, at its election, to go onto any said property at any reasonable hour and maintain or landscape the regular removal or underbrush, trees less than six (6) inches in diameter, stumps, trash or debris, planting of grass, watering, application of fertilizer and mowing the easement area. No plants, appliances, devices or structures of any nature whatsoever may be placed in this easement area without the consent of the Board of Directors of the ASSOCIATION; provided that such devices or appliances may be placed inside the enclosed utility area so long as they are not visible from outside said enclosed area and so long as they do not violate any other provision of this Declaration.

### **Section 10.5**

**Outside Antennas.** No outside radio or television antennas shall be erected on any Lot or Unit within the Properties unless and until permission for the same has been granted by the Board of Directors of the ASSOCIATION or its Architectural Committee.

**Section 10.6**

**Clothes Drying.** No drying or airing of any clothing or bedding shall be permitted outdoors on any Lot within the properties except within the enclosed utility areas.

**Section 10.7**

**Outside Structures.** No trailer, tent, barn, tree house or other similar outbuilding or structure shall be placed on any of the property subject to these covenants at any time, either temporarily or permanently. No fuel tank or similar storage receptacles may be exposed to view, and the same may be installed only within the main dwelling unit, within any approved accessory building, or within a screened area built in accordance with plans approved by the ASSOCIATION.

**Section 10.8**

**Water Wells Prohibited.** No private water wells may be drilled or maintained on any residential property so long as water service is provided to the Lot or Unit by some public or private utility company.

**Section 10.9**

**Cutting of Trees Prohibited.** No tree may be removed without the written approval of the Board of Directors of the Association.

**Section 10.10**

**Subdivision Prohibited.** No property subject to these restrictions shall be subdivided, or its boundary lines changed, except with the written consent of the Board of Board of Directors of the Association.

**Section 10.11**

**Signs.** No commercial signs, including "for rent," "for sale," and other similar signs, shall be placed or maintained on any property except with the written consent of the Board of Board of Directors of the Association, except as may be required by legal proceedings, it being understood that the ASSOCIATION will not grant permission for said sign unless their erection is reasonably necessary to avert serious hardship to the Property Owner. If such permission is granted, the ASSOCIATION reserves the right to restrict size, color and content of such signs, Property identification and like signs may not be erected without written permission of the ASSOCIATION.

**Section 10.12**

**Use of Lakes.** The lakes and streams within the Property (REFLECTIONS) are intended for the use and enjoyment of REFLECTIONS' property owners, their guests and invitees and the enhancement of the entire REFLECTIONS property. To provide for the full enjoyment of the aforementioned bodies of water and to preserve water quality and to minimize erosion due to water turbulence, no combustion type engines shall be operated in said bodies of water within

REFLECTIONS without the express written permission of the Board of Board of Directors of the Association, which permission may be arbitrarily withheld.

Environmental Resorts Incorporated expressly reserves unto itself, its successors and assigns, every reasonable use and enjoyment of said bodies of water in a manner not inconsistent with this Declaration. This reservation shall terminate at the time of sale of the last Lot or Unit in the REFLECTIONS development.

### **Section 10.13**

**Limitations on Application of Restrictions.** The restrictions set forth in the Article X shall not apply to the DECLARANT, its agents or employees, during the course of construction of improvements of the Properties or any portion thereof to the extent that they would interfere with such construction.

### **Section 10.14**

**Laws and Ordinances.** Each Owner shall promptly comply with all laws, statutes, ordinances, rules and regulations of federal, state, or municipal government or authorities applicable to use, occupancy, construction and maintenance or improvements upon any Lot.

### **Section 10.15**

**Drainage.** Each Owner hereby covenants and agrees for himself, his heirs, assigns, vendees and successors in interest that he will refrain from interfering with the established drainage pattern over his Lot from adjoining or other Lots, and make adequate provision for property drainage from any such other Lot in the event the established drainage over his Lot is changed or altered. For the purpose hereof, "established" drainage is defined as the drainage which will occur at the time the overall grading of the Properties, including landscaping of each Lot is completed.

### **Section 10.16**

**Parking.** No Owner shall park his automobile or any other vehicle or permit his guests, tenants, invitees, servants, or members of his family to park their automobiles or any other vehicles in any space but (i) the space assigned to such Owner by the ASSOCIATION, or (ii) the garage constituting a part of such Owner's Unit, or (iii) the space assigned as "overflow" or guest parking.

## **C. RULES AND ENFORCEMENT**

### **1. Rules**

#### **Section 5.4**

**Architectural Committee Rules.** The Architectural Committee may, from time to time, and in its sole and absolute discretion, adopt, amend and repeal, by majority vote or written consent of its members, rules and regulations to be known as 'Architectural Committee Rules.' Said Rules shall interpret and implement the Declaration by setting forth the standards and procedures for Architectural Committee review and the guidelines for architectural design, placement schemes,

finishes and materials and similar features which are recommended for use within the properties.

### **Section 5.5**

**Waiver.** The approval by the Architectural Committee of any plans, drawings, or specifications for any work done or proposed, or for any other matter requiring the approval of the Architectural Committee under this Declaration shall not be deemed to constitute a waiver of any right to withhold approval of any similar plan, drawing, specification or matter subsequently submitted for approval.

### **2. Enforcement (Architectural Committee)**

The Architectural Committee, on behalf of the ASSOCIATION, may exercise all available legal and equitable remedies to prevent or remove any unauthorized or unapproved construction or improvements on the Property or any portion thereof. It shall be conclusively presumed that any action subject to approval of the Architectural Committee was so approved if the Architectural Committee or the Board fails to commence an action in law or in equity in respect to such action within one (1) year of the action having taken place.

### **3. Enforcement (Association)**

#### **Section 3.5**

**(a) Power and Authority of the ASSOCIATION.** The ASSOCIATION shall have all of the powers of a no-profit corporation organized under the Eleemosynary Corporation Law of the State of South Carolina subject only to such limitation upon the exercise of such powers as are expressly set forth in the Articles, By-Laws, or the Declaration. The ASSOCIATION shall have the power to do any and all lawful things which may be authorized, required or permitted to be done by the ASSOCIATION under the Declaration, the Articles and By-Laws, and to and perform any or all acts which may be necessary or proper for or incidental to the exercise of any of the express powers of the ASSOCIATION, including without limitations.

**(b) Right of Enforcement.** The ASSOCIATION shall also have the power and authority from time to time in its own name, on its own behalf of any Owner or Owners who consent thereto, to commence and maintain actions and suits to restrain and enjoin any breach or threatened breach of the Declaration and to enforce, by mandatory injunction or otherwise, all of the provisions hereof.

**(c) Enforcement of Restrictions and Rules.** To perform such acts, whether or not expressly authorized by this Declaration, as may be reasonably necessary or appropriate to enforce or effectuate any of the provisions of this Declaration and the Association Rules.

### **D. LIABILITY**

#### **Section 5.6**

**Liability.** Neither the Architectural Committee nor any member thereof shall be liable to the ASSOCIATION, any Owner, or to any other party, for any damage, loss of prejudice suffered

or claimed on account of (a) the approval or disapproval of any plan, drawing, or specifications, whether or not defective, (b) the construction or performance of any work upon the Properties, (c) the execution and filing of an estoppel certificate, whether or not the facts therein are correct, or (d) any other act, action of conduct of the Architectural Committee or any of its members thereof, so long as that with respect to the liability of a member of the Architectural Committee, such member has acted in good faith on the basis of such information as may be possessed by him.

## **E. ERI AND ARCHITECTURAL COMMITTEE**

### **Section 5.7**

**Right of DECLARANT.** Nothing herein shall be construed to permit interference with the development by the DECLARANT of the Properties and authorization thereto so long as said development follows the general development of the Properties previously approved by FHA and VA.

**APPENDIX C: SUGGESTED PLANT MATERIALS****1. TREES:**

Japanese Maple (*Acer palmatum*)  
Redbud or Judas Tree (*Cercis canadensis*)  
Dogwood (*Cornus florida*)  
Loquat (*Eriobotrya japonica*)  
Cassine Holly (*Ilex cassine*)  
Foster Holly (*Ilex cassinefosteri*)  
American Holly (*Ilex opaca*)  
American Holly Varieties -Cardinal improved:  
    Canary  
    Croonenburg  
    East Palatka  
    Howard Hume No. 2  
Yaupon Holly (*Ilex vomitoria*)  
Goldenrain Tree (*Koelreuteria paniculata*)  
Crapemyrtle (*Lagerstroemia indica*)  
Japanese or Saucer Magnolia (*Magnolia soulangeana*)  
Eley Purple Crabapple (*Malus purpurea eley*)  
Japanese Crabapple (*Malus floribunda*)  
Sargent Crabapple (*Malus sargentii*)  
Purpleleaf Plum (*Prunus caroliniana pissardi*)

**2. SHRUBS:**

Dwarf Aucuba (*Aucuba japonica nana*)  
Dwarf Juliana Barberry (*Berberis julianae nana*)  
Creeping Gardenia (*Gardenia radicans*)  
Rotunda or Dwarf Chinese Holly (*Ilex cornuta rotunda*)  
Convexleaf Japanese Holly (*Ilex crenata convexa*)  
Heller Japanese Holly (*Ilex crenata helleri*)  
Dwarf Yaupon Holly (*Ilex vomitoria nana*)  
Showy Jasmine (*Jasminum floridum*)  
Shore Juniper (*Juniperus conferta*)  
Andorra Creeping Juniper (*Juniperus horizontalis plumosa*)  
Oregongrape (*Mahonia aquifolium*)  
Amoeba or Kurume Azalea (*Rhododendron obtusum amoenum*)

**Kurume Azalea Varieties:**

- Coral Bells
- Flame
- Rexe
- Rinodegiri
- Snow

India Raphiolepis (*Raphiolepis indicis*)

Anthony Waterer Spirea (*Spiraea bumalda* Anthony Waterer)

Thunberg Spirea (*Spiraea thunbergi*)

**3. GROUNDCOVERS:**

Carpet Bugle (*Ajuga reptans*)

Wintercreeper Euonymus (*Euonymus fortunei radicans*)

Creeping Gardenia (*Gardenia radicans*)

Day Lily (*Hemerocallis* species)

Aronsbeard St. Johnswort (*Hypericum calycinium*)

Heller Japanese Holly (*Ilex crenata helleri*)

Shore Juniper (*Juniperus conferta*)

Andorra Creeping Juniper (*Juniperus horizontalis plumosa*)

Bigblue Liriope (*Liriope muscari*)

Dwarf Lilyturf or Mondo (*Ophlopogon japonicum*)

Bigleaf Periwinkle (*Vinca major*)

Common Periwinkle (*Vinca minor*)

Adamsneedle or Beargrass (*Yucca filamentosa*)

**4. VINES:**

Sweet Autumn Clematis (*Clematis paniculata*)

Climbing Fig (*Ficus pumila*)

Carolina Jessamine (*Gelsemium sempervirens*)

Everblooming Honeysuckle (*Lonicera heckrotti*)

Banks Rose (*Rosa banksiae*)

Lanceleaf Greenbrier or Smilax (*Smilax lanceolata*)

## **APPENDIX D: TREE ORDINANCE FOR REFLECTIONS COMMUNITY**

(adopted unanimously by the ROA Board on October 16, 2003)

### **SECTION 1: TREE BOARD**

#### **a. Authorization**

The ROA Declaration of Covenants, Conditions and Restrictions reads:

Cutting of Trees Prohibited. No trees may be removed without the written approval of the Board of Directors of the ASSOCIATION. (Article X, section 10.9)

#### **b. Membership**

The ROA Board, as authorized by the Association's Declaration of Covenants, Conditions, and Restrictions, must approve tree removal for any reason. This Board was established in 1977.

The ROA Board consists of 9 members, each elected for a three-year term. Each year three Board members rotate off the Board and are replaced by three new members, thus providing for continuity. Members serve without compensation.

In certain situations, the Architectural Committee also reviews requests for tree planting and removal, but the final authority rests with the Board of Directors.

### **SECTION 2: GUIDELINES**

Tree removal will be approved only as a last resort when there is a serious problem and no other solution is possible.

#### **a. Reasons for withholding approval**

The Board generally will not approve tree removal for purposes of...

- regrading;
- establishing a lawn;
- providing a view; or
- creating an open area.

#### **b. Reasons for awarding approval**

Valid reasons for tree removal include:

- Tree is dead, diseased or damaged\*
- Tree has detrimental effect on other plant material; e.g. crowding out more desirable trees
- Tree blocks vehicular sight lines
- Tree is too large for space and pruning will not be effective
- Tree has invasive roots

\*In some cases, such as structural damage or disease, the claim must be substantiated by a qualified professional such as a foundation specialist or certified arborist.

In evaluating a request, the Board will also consider the following factors:

- (1) Is the tree a native tree, i.e. native to the original 185-acre woodland on which Reflections was developed? Every effort will be made to preserve native trees.
- (2) Will the loss of this tree detract from the property value of the neighborhood and the community? For example, ornamental trees such as dogwood, holly, and crape myrtle as well as rare varieties of trees usually contribute positively to the property value of the community.

### **Additional approval criteria**

The Board of Directors may require an appropriate replacement tree or shrub to be planted as a stipulation for approval. (Replacement trees/shrubs must be planted according to regulations set out in the Architectural and Landscaping Guidelines for Reflections Homeowners.)

All approved tree removal, whether it is the responsibility of the Association or of a homeowner, must be done by properly licensed and insured professionals.

Approvals will require proper attention to stumps and other debris associated with tree removal.

## **SECTION 3: PROCEDURES FOR TREE REMOVAL**

### **a. Damaged, Dead and Diseased Trees**

Obviously dead spindly trees (less than six inches in diameter when measured at four and a half feet above the ground) may be removed by staff, as directed by the Manager, without requesting permission from the Board of Directors. Otherwise, both the staff and individual homeowners must request permission to remove a tree.

With respect to larger trees, the determination of whether a tree that appears to be dead is actually dead must be made by two members of the Board of Directors, one of whom shall be the liaison to the Buildings and Grounds Committee. At the discretion of the liaison to the Buildings and Grounds Committee, the opinion of a certified arborist may be required. Should the consensus be that the tree is dead, approval for removal is automatic. (Added by unanimous vote of Board on 1/15/2004.)

In the case of extraordinary circumstances, when time is of the essence and a decision must be made virtually on the spot (e.g. storm damage or other emergency), two members of the Board can approve tree removal. If possible, one of these should be the liaison to the Buildings and Grounds Committee. (Added by unanimous vote of Board 11/20/2003)

Requests for removal of dead, damaged or diseased trees will be automatically forwarded to the Board member serving as liaison to the Buildings and Grounds Committee. All other requests for tree removal will follow the procedure outlined below. (Added by unanimous vote of the Board on 3/18/2004.)

### **b. Procedure for Other Tree Requests**

- 1) Requests for tree removal will be addressed to the Architectural Committee on the form provided for that purpose.
- 2) Neighbors immediately adjacent to the owner making the request for tree removal must sign the request form.

- 3) If the tree is on a property line, the two neighbors must file the request as co-applicants. It is the responsibility of the owners to provide a plat of the property to prove the property line.
- 4) At the time of application, the homeowner must identify (e.g. tie a ribbon around) the tree(s) in question so that it (they) can be easily located and examined.
- 5) The Architectural Liaison of the Board of Directors will present the request to the full Board along with the recommendation of the Architectural Committee.
- 6) The Board will review requests for tree removal on a case-by-case basis, using the guidelines set forth in this Ordinance.
- 7) Before a decision is made regarding a request, two Board members will visit the site. If possible, these will be the liaison to the Architectural Committee and the liaison to the Buildings and Grounds Committee.
- 8) Authorization to remove a tree will require a  $\frac{3}{4}$  majority of the Board.
- 9) In the case of approval for tree removal, the permission letter will state the terms regarding that removal; e.g. who is responsible for removal, whether the tree must be replaced, etc.
- 10) In the case of disapproval, the reason for disapproval will be stated in the letter.

**APPENDIX E: GUIDELINES FOR GUTTERS AND DOWNSPOUTS**

The standard form, APPLICATION FOR ARCHITECTURAL APPROVAL – STRUCTURAL, must be submitted to the Committee and approved prior to commencing the work. Approval requires compliance with the following guidelines:

1. The application must describe any structural modifications which might be required for the installation. (See also item 4 below.)
2. Installation must be by a qualified installer to be named on the application.
3. Colors – Several colors are generally available, but owners must choose the one which most closely matches their current building color. All can be painted with flat latex if none of the available colors is satisfactory. The Committee reserves the right to withhold final approval if it is not satisfied with the color.
4. Drainage – Owners are responsible at their cost for initial and continuing drainage control to assure that runoff does not erode their own or a neighbor's property, or the common area. (See also in this regard Guidelines, Sec. 4.3.1.) The most desirable form of drainage is via a buried pipe from the downspout to the roadway (from which the water flows into the storm drain) or to a drainage ditch. Otherwise a drawing showing elevations and drainage patterns must accompany the request. The ROA Manager must accompany the owner and the contractor to approve the sitting and design for controlling the runoff, as well as any required structural modifications.
5. Maintenance – Cleanout and physical repair are the responsibility of the owner.
6. After installation and any initial painting which might be required for color harmony, regular ROA crews will repaint the gutter/downspout system as part of routine unit painting.